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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,109	07/12/2006	Jerry Moscovitch	10USIPC1US	6980
54984 7590 11/23/2010 MASS ENGINEERED DESIGN INC. 474 WELLINGTON STREET WEST TORONTO, ON M5V-1E3 CANADA				
EXAMINER EDWARDS, ANTHONY Q				
ART UNIT 2835		PAPER NUMBER		
MAIL DATE 11/23/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,109

Applicant(s)

MOSCOVITCH, JERRY

Examiner

ANTHONY Q. EDWARDS

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. US2002/0011544 to Bosson. Bosson discloses a method of integrating into a multi-display system a monitor (1) having screw holes (not shown) at the rear of the monitor (see Fig. 1) for screwing an engagement means (screws, not numbered) to the monitor. As shown in Fig. 1 and discussed in ¶ 0002, a typical device and method for mounting a monitor (1) having four screws and the accompanying screw holes onto a back portion of the monitor is disclosed. Bosson also discloses the method including providing a display system (see Figs. 3 and 13) having an arm (2) with at least two support members (90) for supporting at least two monitors (1), said engagement means (i.e., the screws attached to the rear of the monitor provided in Fig. 1) being unsuitable for supporting the monitor on either of the two support members (90). It is noted that the screws that are suitable for supporting the monitor on either of the two support members are the "self-tapping" screws (105), shown in Figs. 4 and 5D.

Furthermore, Bosson also inherently discloses removing the engagement means (i.e., the screws of the monitor provided in Fig. 1) from the monitor by unscrewing, screwing a mounting bracket (95) to the rear of the monitor using the screw holes (i.e.,

of the monitor), said mounting bracket (95) being compatible with at least one of the at least two support members (90), and mounting the monitor (1) to the arm (2) with the at least one of the support members (90). See Figs. 3, 4, 12 and 13 and ¶ 0040.

Response to Arguments

Applicant's arguments filed September 27, 2010 have been fully considered but they are not persuasive. Regarding applicant's argument that Bossom doesn't teach the limitation "the engagement means is unsuitable for supporting the monitor on either of the two support members," the Examiner disagrees and contends that said engagement means (i.e., the screws that are attached to the rear of the monitor provided in Fig. 1) are indeed "unsuitable for supporting the monitor on either of the two support members (90)," since the screws that are suitable for this function are the "self-tapping" screws (105) shown in Figs. 4 and 5D.

In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., "when the engagement means is unsuitable for supporting the monitor on either of the two support members," is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, also in response to the applicant's argument of "when the engagement means is unsuitable for supporting the monitor on either of the two support members," a recitation of the intended use of the claimed invention must result in a

structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use then it meets the claim. This limitation does not result in a structural difference between the claimed invention and the prior art reference to Bossom.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANTHONY Q. EDWARDS** whose telephone number is (571)272-2042. The examiner can normally be reached on M-F (8:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Q. E./
Examiner, Art Unit 2835

November 9, 2010

/Jayprakash N Gandhi/
Supervisory Patent Examiner, Art Unit 2835